

Appendix A

ENP PROTECTION AND EXPANSION ACT

PUBLIC LAW 101-229

Everglades National Park Protection and Expansion Act of 1989 [Enrolled Bill (Sent to President)]

***One Hundred First Congress of the United States of America
AT THE FIRST SESSION***

Begun and held at the City of Washington on Tuesday, the third day of January, one thousand nine hundred and eighty-nine

An Act

To modify the boundaries of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Everglades National Park Protection and Expansion Act of 1989'.

TITLE I--EVERGLADES NATIONAL PARK EXPANSION

SEC. 101. FINDINGS, PURPOSES AND DEFINITION OF TERMS.

(a) FINDINGS- The Congress makes the following findings:

- (1) The Everglades National Park is a nationally and internationally significant resource and the park has been adversely affected and continues to be adversely affected by external factors which have altered the ecosystem including the natural hydrologic conditions within the park.
- (2) The existing boundary of Everglades National Park excludes the contiguous lands and waters of the Northeast Shark River Slough that are vital to long-term protection of the park and restoration of natural hydrologic conditions within the park.
- (3) Wildlife resources and their associated habitats have been adversely impacted by the alteration of natural hydrologic conditions within the park, which has contributed to an overall decline in fishery resources and a 90 percent population loss of wading birds.
- (4) Incorporation of the Northeast Shark River Slough and the East Everglades within the park will limit further losses suffered by the park due to habitat destruction outside the present park boundaries and will preserve valuable ecological resources for use and enjoyment by future generations.
- (5) The State of Florida and certain of its political subdivisions or agencies have indicated a willingness to transfer approximately 35,000 acres of lands under their jurisdiction to the park in order to protect lands and water within the park, and may so transfer additional lands in the future.

- (6) The State of Florida has proposed a joint Federal-State effort to protect Everglades National Park through the acquisition of additional lands.
- (b) PURPOSE- The purposes of this Act are to--
- (1) increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrologic conditions, and public enjoyment of such area by adding the area commonly known as the Northeast Shark River Slough and the East Everglades to Everglades National Park; and
 - (2) assure that the park is managed in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem.
- (c) DEFINITIONS- As used in this Act:
- (1) The term 'Secretary' means the Secretary of the Interior.
 - (2) The term 'addition' means the approximately 107,600 acre area of the East Everglades area authorized to be added to Everglades National Park by this Act.
 - (3) The term 'park' means the area encompassing the existing boundary of Everglades National Park and the addition area described in paragraph (2).
 - (4) The term 'project' means the Central and Southern Florida Project.

SEC. 102. BOUNDARY MODIFICATION.

- (a) AREA INCLUDED- The park boundary is hereby modified to include approximately 107,600 acres as generally depicted on the map entitled 'Boundary Map, Everglades National Park Addition, Dade County, Florida', numbered 160-20,013B and dated September 1989. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.
- (b) BOUNDARY ADJUSTMENT- The Secretary may from time to time make minor revisions in the boundaries of the park in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 and following). In exercising the boundary adjustment authority the Secretary shall ensure all actions will enhance resource preservation and shall not result in a net loss of acreage from the park.
- (c) ACQUISITION- (1) Within the boundaries of the addition described in subsection (a), the Secretary may acquire lands and interests in land by donation, purchase with donated or appropriated funds, or exchange. For purposes of acquiring property by exchange, the Secretary may, notwithstanding any other provision of law, exchange the approximately one acre of Federal land known as 'Gilberts' Marina' for non-Federal land of equal value located within the boundaries of the addition. Any lands or interests in land which are owned by the State of Florida or any political subdivision thereof, may be acquired only by donation.
- (2) It is the express intent of Congress that acquisition within the boundaries of the addition shall be completed not later than 5 years after the date of enactment of this section. The authority provided by this section shall remain in effect until all acquisition is completed.
- (d) ACQUISITION OF TRACTS PARTIALLY OUTSIDE BOUNDARIES- When any tract of land is only partly within boundaries referred to in subsection (a), the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377).

(e) OFFERS TO SELL- In exercising the authority to acquire property under this Act, the Secretary shall give prompt and careful consideration to any offer made by any person owning property within the boundaries of the addition to sell such property, if such owner notifies the Secretary that the continued ownership of such property is causing, or would result in undue hardship.

(f) AUTHORIZATION OF APPROPRIATIONS- (1) Subject to the provisions of paragraph (2), there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(2) With respect to land acquisition within the addition, not more than 80 percent of the cost of such acquisition may be provided by the Federal Government. Not less than 20 percent of such cost shall be provided by the State of Florida.

(g) ASSISTANCE- Upon the request of the Governor of the State of Florida, the Secretary is authorized to provide technical assistance and personnel to assist in the acquisition of lands and waters within the Kissimmee River/Lake Okeechobee/Everglades Hydrologic Basin, including the Big Cypress Swamp, through the provision of Federal land acquisition personnel, practices, and procedures. The State of Florida shall reimburse the Secretary for such assistance in such amounts and at such time as agreed upon by the Secretary and the State. Notwithstanding any other provision of law, reimbursement received by the Secretary for such assistance shall be retained by the Secretary and shall be available without further appropriation for purposes of carrying out any authorized activity of the Secretary within the boundaries of the park.

SEC. 103. ADMINISTRATION.

(a) IN GENERAL- The Secretary shall administer the areas within the addition in accordance with this Act and other provisions of law applicable to the Everglades National Park, and with the provisions of law generally applicable to units of the national park system, including the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4). In order to further preserve and protect Everglades National Park, the Secretary shall utilize such other statutory authority as may be available to him for the preservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act.

(b) PROTECTION OF ECOSYSTEM- The Secretary shall manage the park in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem.

(c) PROTECTION OF FLORA AND FAUNA- The park shall be closed to the operation of airboats--

(1) except as provided in subsection (d); and

(2) except that within a limited capacity and on designated routes within the addition, owners of record of registered airboats in use within the addition as of January 1, 1989, shall be issued nontransferable, nonrenewable permits, for their individual lifetimes, to operate personally-owned airboats for noncommercial use in accordance with rules prescribed by the Secretary to determine ownership and registration, establish uses, permit conditions, and penalties, and to protect the biological resources of the area.

(d) CONCESSION CONTRACTS- The Secretary is authorized to negotiate and enter into concession contracts with the owners of commercial airboat and tour facilities in existence on or before January 1, 1989, located within the addition for the provision of such services at their current locations under such rules and conditions as he may deem

necessary for the accommodation of visitors and protection of biological resources of the area.

(e) VISITOR CENTER- The Secretary is authorized and directed to expedite the construction of the visitor center facility at Everglades City, Florida, as described in the Development Concept Plan, Gulf Coast, dated February 1989, and upon construction shall designate the visitor center facility as 'The Marjory Stoneman Douglas Center' in commemoration of the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and Everglades National Park.

SEC. 104. MODIFICATION OF CERTAIN WATER PROJECTS.

(a) IMPROVED WATER DELIVERIES- (1) Upon completion of a final report by the Chief of the Army Corps of Engineers, the Secretary of the Army, in consultation with the Secretary, is authorized and directed to construct modifications to the Central and Southern Florida Project to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrological conditions within the park.

(2) Such modifications shall be based upon the findings of the Secretary's experimental program authorized in section 1302 of the 1984 Supplemental Appropriations Act (97 Stat. 1292) and generally as set forth in a General Design Memorandum to be prepared by the Jacksonville District entitled 'Modified Water Deliveries to Everglades National Park'. The Draft of such Memorandum and the Final Memorandum, as prepared by the Jacksonville District, shall be submitted as promptly as practicable to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the United States Senate and the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation of the United States House of Representatives.

(3) Construction of project modifications authorized in this subsection and flood protection systems authorized in subsections (c) and (d) are justified by the environmental benefits to be derived by the Everglades ecosystem in general and by the park in particular and shall not require further economic justification.

(4) Nothing in this section shall be construed to limit the operation of project facilities to achieve their design objectives, as set forth in the Congressional authorization and any modifications thereof.

(b) DETERMINATION OF ADVERSE EFFECT- (1) Upon completion of the Final Memorandum referred to in subsection (a), the Secretary of the Army, in consultation with the South Florida Water Management District, shall make a determination as to whether the residential area within the East Everglades known as the 'Eight and One-Half Square Mile Area' or adjacent agricultural areas, all as generally depicted on the map referred to in subsection 102(a), will be adversely affected by project modifications authorized in subsection (a).

(2) In determining whether adjacent agricultural areas will be adversely affected, the Secretary of the Army shall consider the impact of any flood protection system proposed to be implemented pursuant to subsection (c) on such agricultural areas.

(c) FLOOD PROTECTION; EIGHT AND ONE-HALF SQUARE MILE AREA- If the Secretary of the Army makes a determination pursuant to subsection (b) that the 'Eight and One-Half Square Mile Area' will be adversely affected, the Secretary of the Army is authorized and directed to construct a flood protection system for that portion of presently developed land within such area.

(d) FLOOD PROTECTION; ADJACENT AGRICULTURAL AREA- (1) If the Secretary of the Army determines pursuant to subsection (b) that an adjacent agricultural area will be adversely affected, the Secretary of the Army is authorized and directed to construct a

flood protection system for such area. Such determination shall be based on a finding by the Secretary of the Army that:

- (A) the adverse effect will be attributable solely to a project modification authorized in subsection (a) or to a flood protection system implemented pursuant to subsection (c), or both; and
- (B) such modification or flood protection system will result in a substantial reduction in the economic utility of such area based on its present agricultural use.

(2) No project modification authorized in subsection (a) which the Secretary of the Army determines will cause an adverse effect pursuant to subsection (b) shall be made operational until the Secretary of the Army has implemented measures to prevent such adverse effect on the adjacent agricultural area: *Provided*, That the Secretary of the Army or the South Florida Water Management District may operate the modification to the extent that the Secretary of the Army determines that such operation will not adversely affect the adjacent agricultural area: *Provided further*, That any preventive measure shall be implemented in a manner that presents the least prospect of harm to the natural resources of the park.

(3) Any flood protection system implemented by the Secretary of the Army pursuant to this subsection shall be required only to provide for flood protection for present agricultural uses within such adjacent agricultural area.

(4) The acquisition of land authorized in section 102 shall not be considered a project modification.

(e) PERIODIC REVIEW- (1) Not later than 18 months after the completion of the project modifications authorized in subsection (a), and periodically thereafter, the Secretary of the Army shall review the determination of adverse effect for adjacent agricultural areas.

(2) In conducting such review, the Secretary of the Army shall consult with all affected parties, including, but not limited to, the Secretary, the South Florida Water Management District and agricultural users within adjacent agricultural areas.

(3) If, on the basis of such review, the Secretary of the Army determines that an adjacent agricultural area has been, or will be adversely affected, the Secretary of the Army is authorized and directed, in accordance with the provisions of subsection (d), to construct a flood protection system for such area: *Provided*, That the provisions of subsection (d)(2) shall be applicable only to the extent that the Secretary, in consultation with the Secretary of the Army, determines that the park will not be adversely affected.

(4) The provisions of this subsection shall only be applicable if the Secretary of the Army has previously made a determination that such adjacent agricultural area will not be adversely affected.

(f) CURRENT CANAL OPERATING LEVELS- Nothing in this section shall be construed to require or prohibit the Secretary of the Army or the South Florida Water Management District from maintaining the water level within any project canal below the maximum authorized operating level as of the date of enactment of this Act.

(g) NO LIMITATION ON OTHER CLAIMS- If the Secretary of the Army makes a determination of no adverse effect pursuant to subsection (b), such determination shall not be considered as a limitation or prohibition against any available legal remedy which may otherwise be available.

(h) COORDINATION- The Secretary and the Secretary of the Army shall coordinate the construction program authorized under this section and the land acquisition program authorized in section 102 in such a manner as will permit both to proceed concurrently and as will avoid unreasonable interference with property interests prior to the acquisition of such interests by the Secretary under section 102.

(i) WEST DADE WELLFIELD- No Federal license, permit, approval, right-of-way or assistance shall be granted or issued with respect to the West Dade Wellfield (to be located in the Bird Drive Drainage Basin, as identified in the Comprehensive Development Master Plan for Dade County, Florida) until the Secretary, the Governor of the State of Florida, the South Florida Water Management District and Dade County, Florida enter into an agreement providing that the South Florida Water Management District's water use permit for the wellfield, if granted, must include the following limiting conditions: (1) the wellfield's peak pumpage rate shall not exceed 140,000,000 gallons per day; (2) the permit shall include reasonable, enforceable measures to limit demand on the wellfield in times of water shortage; and (3) if, during times of water shortage, the District fails to limit demand on the wellfield pursuant to (2), or if the District limits demand on the wellfield pursuant to (2), but the Secretary certifies that operation of the wellfield is still causing significant adverse impacts on the resources of the Park, the Governor shall require the South Florida Water Management District to take necessary actions to alleviate the adverse impact, including, but not limited to, temporary reductions in the pumpage from the wellfield.

(j) PROTECTION OF NATURAL VALUES- The Secretary of the Army is directed in analysis, design and engineering associated with the development of a general design memorandum for works and operations in the 'C-111 basin' area of the East Everglades, to take all measures which are feasible and consistent with the purposes of the project to protect natural values associated with Everglades National Park. Upon completion of a general design memorandum for the area, the Secretary shall prepare and transmit a report to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the United States Senate and the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation of the United States House of Representatives on the status of the natural resources of the C-111 basin and functionally related lands.

Appendix B

COMPLIANCE WITH ENVIRONMENTAL LAWS, REGULATIONS, AND EXECUTIVE ORDERS

CENTRAL AND SOUTHERN FLORIDA STUDY
GENERAL REEVALUATION REPORT and
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
(RGRR/SEIS) for TAMIAMI TRAIL MODIFICATIONS

MODIFIED WATER DELIVERIES TO
EVERGLADES NATIONAL PARK, FLORIDA

Compliance of Each Alternative with Relevant Federal Laws,
Regulations, and Executive Orders

Anadromous Fish Conservation Act

As defined in the Anadromous Fish Conservation Act, 16 U.S.C. 757a-g, 79 Stat. 1125, as amended by PL 89-304, anadromous fish species would not be affected. The project was been coordinated with the National Marine Fisheries Service (NMFS).

Archeological Resources Protection Act of 1979

This project complies with the provisions of the Archeological Resources Act of 1979, as amended, 16 USC 470 *et seq.*, P.L. 96-95, relative to archeological resources on public lands.

Barrier Resources Act and Coastal Barrier Improvement Act of 1990

There are no designated coastal barrier resources in the project area that would be affected by this project. The project is in compliance.

Clean Air Act of 1972

At this stage of planning, this project complies with Section 309 of the Clean Air Act of 1972, as amended, 42 U.S.C. 1857h-7, *et seq.* PL 91-604.

Clean Water Act of 1972

The project will comply with the Clean Water Act, as amended, (Federal Water Pollution Control Act) 33 U.S.C. 1251, *et seq.* PL 92-500. A copy of the 404(b)(1) Evaluation is included in Appendix I. In accordance with the laws of the State of Florida, Florida Department of Environmental Protection (FDEP) will not issue a Water Quality Certification (WQC) until advanced plans and specifications for construction are submitted. Once these detailed drawings are developed during the preconstruction engineering and design phase, USACE will seek a modification to the existing WQC for the Modified Water Deliveries (MWD) project. Prior to construction, a National Pollutant Discharge Elimination System (NPDES) permit will be obtained from FDEP, the permitting authority.

Coastal Zone Management Act of 1972

This project is consistent with the Florida Coastal Zone Management Program (see Appendix G) and complies with the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451, *et seq.* PL 92-583.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1996

The Hazardous, Toxic, and Radioactive Waste (HTRW) assessment performed as part of this project complies with the requirements of CERCLA and SARA.

Endangered Species Act of 1973

This project will comply with the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531, *et seq.*; PL 93-205. The U.S. Army Corps of Engineers (USACE) has made a commitment to providing ornithological observers during construction, and to stage construction, such that it does not interrupt nesting activities at the two wood stork rookeries located in close proximity to Tamiami Trail. The U.S. Fish and Wildlife Service (FWS) has informally concurred with the USACE “not likely to adversely affect” determinations for all listed species except the Florida panther. A Biological Assessment is included (Appendix K).

Estuary Protection Act of 1968

No designated estuary would be affected by project activities. The Estuary Protection Act of 1968, 16 U.S.C. 1221, *et seq.* PL 90-454 is not applicable.

Farmland Protection Policy Act of 1981

No prime or unique farmland would be impacted by implementation of this project. Lands to each side of the highway are publicly owned marshlands. The project is in compliance.

Federal Water Project Recreation Act

This project is in full compliance with the Federal Water Project Recreation Act, as amended, 16 U.S.C 460-1 (12), *et seq.*, P.L. 89-72.

Fish and Wildlife Coordination Act of 1958

This project is currently being coordinated with the USFWS and the U.S. Department of Interior (Everglades National Park). An USFWS Coordination Act Report (CAR) has been received and is included as Appendix F.

Fishery Conservation and Management Act of 1976

An Essential Fish Habitat assessment is not required for this project. No adverse effect on fisheries would result from the proposed action. This project has been coordinated with NMFS and complies fully with the Magnuson-Stevens Fishery Conservation Act, as amended in 1996, 16 U.S.C. 1801, *et seq.* PL 04-265.

Lands Act of 1953

This project is in compliance with the State Sovereignty and Submerged Lands program and the Submerged Lands Act of 1953, 43 U.S.C. 1301, *et seq.*

Marine Mammal Protection Act of 1972

The West Indian manatee is not likely to be adversely affected by the project. The project will comply with the provisions of the Marine Mammal Protection Act of 1968, as amended, 16 U.S.C. 1361, *et seq.* PL 92-522.

Marine Protection, Research, and Sanctuaries Act

The Marine Protection, Research and Sanctuaries Act, 33 U.S.C. 1401, *et seq.* PL 92-532 (3[33 U.S.C. 1402](f)) does not apply to this project.

Migratory Bird Treaty Act and Migratory Bird Conservation Act

No migratory birds would be affected by project activities. The project is in compliance with the Migratory Bird Conservation Act, 16 U.S.C. 715-715d, 715e, 715f-715r; 45 Stat. 1222 and the Migratory Bird Treaties and other international agreements listed in the Endangered Species Act of 1973, as amended, Section 2(a)(4).

National Environmental Policy Act of 1969

The project complies with the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321, *et seq.* PL 91-190.

National Historic Preservation Act of 1966 (Inter Alia)

Consultation with the Florida State Historic Preservation Officer (SHPO) has been initiated in accordance with the National Historic Preservation Act, as amended, 16 U.S.C. 470a, *et seq.*; PL 89-655; the Archeological and Historic Preservation Act, as amended, and Executive Order (EO) 11593. A Memorandum of Agreement with SHPO will be signed, and documentation of historic structures and Tamiami Trail and Canal will be completed.

Native American Graves Protection and Repatriation Act of 1990

The project complies with the provisions of the Native American Graves Protection and Repatriation Act, as amended, 25 U.S.C. 3008, *et seq.*, P.L. 101-601.

Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984

The Hazardous, Toxic, and Radioactive Waste (HTRW) assessment performed as part of this project complies with the requirements of RCRA and HSWA..

River and Harbor and Flood Control Act of 1970

The River and Harbor and Flood Control Act of 1970 (P.L. 91-611) places certain requirements on the USACE for evaluating public works projects. This project complies with those requirements.

Rivers and Harbors Act of 1899

This project would not obstruct navigable waters of the United States. The action has been subject to the public notice, public hearing, and other evaluations normally conducted for activities subject to the Rivers and Harbors Act of 1899, as amended, 33 U.S.C. 401, *et seq.* The project is in full compliance.

Wild and Scenic River Act of 1968

No designated Wild and Scenic river reaches would be affected by project related activities.

Executive Order 11514, Protection of Environment

E.O. 11514, Protection and Enhancement of Environmental Quality, directs federal agencies to *"initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals."* This project complies with E.O. 11514.

Executive Order 11988, Flood Plain Management

This E.O. instructs Federal Agencies to avoid development in flood plains to the maximum extent feasible. The current project is not a "development" but rather a floodplain restoration action. This project is being developed in compliance with E.O. 12898.

Executive Order 11990, Protection of Wetlands

The wetlands of ENP would be enhanced by this project. This project complies with the goals of this executive order.

Executive Order 12898, Environmental Justice

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, provides that each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority or low-income populations. Efforts were made to avoid, minimize, or compensate for any adverse effect of this project on the Native Americans living in the project area. This project complies fully with the requirements of this executive order.

Executive Order 12962, Recreational Fisheries

Executive Order 12962 requires the evaluation of federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries. This project complies with E.O. 12962.

Executive Order 13045, Protection of Children

Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, requires each Federal agency to “identify and assess environmental risks and safety risks [that] may disproportionately affect children” and ensure that its “policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.” This project complies with the requirements of E.O. 13045.

Executive Order 13089, Coral Reef Protection

Executive Order 13089, *Coral Reef Protection* requires each Federal agency whose actions affect coral reef ecosystems to “provide for the implementation of measures needed to research, monitor, manage and restore affected ecosystems, including, but not limited to, measures reducing impacts from pollution, sedimentation, and fishing.” This project complies with the requirements of E.O. 13045.

Executive Order 13112, Invasive Species

Executive Order 13112, *Invasive Species*, establishes the National Invasive Species Council to “prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.” This project complies with the intent of E.O. 13112.

Appendix C

CULTURAL RESOURCES

**Executive Summary of the Cultural Resource Survey of the
Tamiami Trail, Modified Waters to the Everglades National Park –
GRR/SEIS, Miami-Dade County, Florida**

Contract No. W912EP-04-D-0030

Report submitted to:

U.S. Army Corps of Engineers, Jacksonville District • 701 San
Marco Blvd.
Jacksonville, Florida 32207-8175

Report prepared by:

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New South Associates Technical Report 1284

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Introduction

The US Army Corps of Engineers, Jacksonville District proposes to construct a bridge on Highway 41 (Tamiami Trail). The purpose of constructing this bridge is to increase water flow between portions of the Everglades lying north and south of Highway 41. The US Army Corps of Engineers, Jacksonville District has initiated this work as part of the Modified Waters to the Everglades National Park - GRR/SEIS.

From June 1 to June 30, New South Associates (NSA) conducted Cultural Resource Survey of the Tamiami Trail, Modified Waters to the Everglades National Park - GRR/SEIS, Miami-Dade County, Florida. New South Associates, Inc. was contracted to conduct the following work: (1) identify and assess the National Register of Historic Places (NRHP) eligibility of the historic properties located within the project area, (2) complete archaeological survey of areas with the potential for archaeological sites, (3) conduct archival research on the history and cultural use of this region, and (4) conduct interviews in order to assess each historic resource and its potential as a Traditional Cultural Property as defined by the National Register Bulletin #38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. New South Associates conducted this work in compliance with the National Historic Preservation Act of 1966 (PL 89-665), as amended, and the Archaeological and Historic Preservation Act of 1974 (PL 93-291).

NSA, Inc. has: (1) conducted archival research on the historical and cultural use of the region, (2) completed the Phase I Archaeological survey and Architectural Survey to identify and assess NRHP eligibility of the historic properties, and (3) conducted ethnographic interviews with individuals knowledgeable of the traditional use of the area and the Tamiami Canal to attempt to identify if the canal is a Traditional Cultural Property.

The project area lies within northwest Dade County County, Florida on the Tamiami Trail and Tamiami Canal. The project area extends from eastern landmark at Pump Station S-334 to Pump Station S-333 on Tamiami Canal, Dade County, Florida. The north-south boundaries are 30.5 m north of the berm and 30.5 m south of the southern edge of Highway 41. Nearly two-thirds of the western and southern parts of the county are within the Florida Everglades and the Everglades National Park.

Background Research

Prior to conducting fieldwork, NSA conducted background research at the Florida Master Site File (FMSF), the Florida Collection of the Florida State Library in Tallahassee, and the National Register of Historic Places. Additional research was undertaken at the University of Florida libraries, the Miami-Dade Public Library, and the Historical Museum of Southern Florida. Sources consulted include newspapers, historic maps, clipping files, periodicals, and secondary works.

New South conducted research at the FMSF and located eight sites within, and just outside, of the project area (Florida Master Site File [FMSF], 8DA2225, 8DA2226, 8DA3242, 8DA3243, 8DA6765, 8DA6766, 8DA6767, and 8DA6768, Archaeological Site Form, Tallahassee). Four prehistoric archaeological sites (8DA2225, 8DA2226, 8DA3242, and 8DA3243) are located outside of the project area. Four historic sites, previously recorded by Janus Research (2001), are located within the project area. These historic resources are: Tamiami Trail (8DA6765), Tamiami Canal (8DA6766), Coopertown Airboat Rides and Restaurant (8DA6767), and Airboat Association of Florida (8A6768) (Janus Research 2001). Three properties were recommended potentially eligible to be listed to the National Register of Historic Places (NRHP) Tamiami Trail, Tamiami Canal, and Coopertown Airboat Rides and Restaurant.

Field Methodology

As part of this investigation, New South Associates conducted three tasks: (1) archival research, literature review, and interview knowledgeable individuals to refine the history of known and potential resources in the survey area, (2) a Phase I Archaeological Survey and an Architectural Survey to document the historic properties previously identified (Janus Research 2001) and any newly discovered properties with photographs, maps, sketch plans, and site inventory forms, and (3) interviews with individuals who are knowledgeable about the cultural usage and association of the region.

Archaeological Field Methods

The archaeological survey required the visual examination and limited shovel testing along the area that is the right-of-way (ROW) of Hwy 41 lying between S-334 Pump Station, the eastern boundary landmark, and S-34, the western boundary landmark. The northern APE boundary extended 30.5 m to the north of the berm along the Tamiami Canal and 30.5 m to the south of the southern edge of Hwy 41. The archaeological survey was conducted to

determine if cultural resources were present along any portion of the 11-mile corridor.

Shovel testing was conducted at 30-meter (99-ft) intervals in the selected areas of archeological potential. All tests were a minimum of 40 centimeters in diameter and dug to a depth of one meter, unless impeded by water or lime-rock. Many of the shovel tests were dug in the very poorly drained areas consisting of muck, peat, or marl over limestone. All soils were screened through 0.64 centimeters (0.25 inch) hardware cloth for standardized data recovery. All shovel test data were recorded in field logbooks and their locations plotted on the USGS Topographic 7.5' Cooperstown and Long Island Quadrangle Maps.

Ethnographic Interview Methods

New South Associates conducted its ethnographic investigations of the project area from June 1 through June 9, 2005. Two types of interviews were conducted, informal and formal interviews where 33 informants participated. New South developed an interview schedule that was used for both types of interviews.

The informal interviews were primarily conducted with the fishermen and women along the Tamiami Canal. New South's ethnographer, Jennifer Azzarello, approached these individuals as they were fishing along the canal. The formal interviews were conducted by contacting informants prior to the interview where a location, date, and time was arranged. Each of the four informants for the formal interviews agreed to conduct a taped interview, were made aware of the scope of the project, and were given release forms to sign.

Architectural History Methods

NSA's architectural historian resurveyed the historic properties within the project area in order to assess them for NRHP eligibility. The 2001 report submitted by Janus Research recommended that three properties (Coopertown Airboat Rides and Restaurant, Tamiami Trail, and Tamiami Canal) were potentially eligible to the NRHP. The FL SHPO concurred with their recommendations. These three properties were reviewed only for changes that may have occurred since 2001. Other structures along the Trail that were either not surveyed or recommended as not eligible to the NRHP by Janus Research in 2001, were reassessed for their NRHP eligibility.

Results of the Archaeological Survey

New South Associates began its investigations on June 1, 2005. A Phase I Archaeological survey of the project area was conducted in all areas where testing was thought possible. There were very few places to test within the project area and of those places there were little to no areas to excavate a shovel test. New South's field crew was able to locate six areas within the project area (Areas A - F) where shovel testing was thought to be possible. In addition to Areas A - F, Sites 8DA2226, 8DA6765, and 8DA6766 were also evaluated for their shovel testing potential within the project area.

Area A was located in front of a Miccosukee Indian village at the west end of the project area where three negative shovel tests were excavated. Area B was located within the Everglades Safari Park. Most of the areas located within Area B were covered in pavement for the park's parking lot, however, there was one area located across their airboat channel where one negative test was excavated. Area C was the Airboat Association of Florida; NSA did not excavate any shovel tests at this location, as most of project area was parking lot. Area D was an area on the map identified as Frog City. Two negative shovel tests were excavated at this location. Area E was Gator Park; NSA was unable to excavate any shovel tests in this location, as most of project area was parking lot. Area F was Coopertown Restaurant and Airboat Rides; NSA was unable to excavate any shovel tests in this location, as most of project area was parking lot.

The previously recorded sites that appeared to have little potential for shovel testing and were located just outside of the project area were, Sites 8DA2226, 8DA6765, and 8DA6766. Site 8DA2226 is a previously recorded archaeological site that sits 150 m north of the northern boundary of the project area. New South did not identify any cultural material along the northern berm and noted that the area directly north of the berm is wet. Sites 8DA6765 (Tamiami Trail) and 8DA6766 (Tamiami Canal) are previously recorded archaeological sites that lie in the center of the project area and found to be considered potentially eligible for listing in the NRHP under Criterion A in the areas of Transportation and Engineering. The FL SHPO concurred with their recommendation. New South did not place any shovel tests within these site locations due to the modern construction impediments but does recognize these two sites as large-scale archaeological features in the area. No archaeological deposits were located at any of the areas (Areas A - F) or at the previously recorded sites within the project area.

Results of the Ethnographic Interviews

NSA conducted ethnographic interviews with local fishermen fishing along the Tamiami Canal, local business owners, and the members of the Airboat Association of Florida. A total of 33 people were approached during this investigation. Three types of interviews took place: informal, formal (taped), formal (not taped). All of the interviews were conducted by Jennifer Azzarello and on occasion with Joshua Dunn (NSA Archaeological Field Technician). Based on the results of the Ethnographic investigations, the cultural heritage and practices that take place along the Tamiami Trail and Canal are not limited to just this location but occur throughout the Everglades. None of these practices on the Tamiami Canal appear to define the identity of the groups involved and the Canal and Tamiami Trail do not appear to qualify as TCPs. However, the Everglades as a whole does contribute to the identity of many of those interviewed for this project, as well as others, most notably the Seminole, and the tones and tenor in which people spoke about the Everglades echoed those used when discussing TCPs. It would also appear that the Everglades factor into the current identity and beliefs of the Seminole, and the Jacksonville District may want to consider a broader ethnographic study of the Everglades to assess its meaning and determine if it might qualify as a TCP.

Overview of Interviews Along the Canal

Many fishermen and women came specifically to the Tamiami Canal to fish for both recreation and food. Many individuals came for the recreation of fishing in a natural environment and if they had a good day and caught good-eating fish they took them home to eat. Most fishermen and women said they fish all of the canals, but they come the Tamiami Canal because it is good fishing and it is a more natural environment. It is also clear that many of the fishermen and women come from low-income households; the canal system in South Florida has provided a form of inexpensive recreation that they can come and enjoy alone or as a family. The South Florida canal systems, as part of the Everglades, clearly are areas that several different culture groups utilized to conduct their traditional cultural practices.

Overview of Interviews with the Airboat Association of Florida

New South Associates contacted the Airboat Association of Florida prior to conducting investigations in Dade County, Florida. The Airboat Association's representative, Joell Marco responded with generosity and enthusiasm to do what he could to share with the Ethnographer about their cultural heritage of the Everglades. As the Airboat Association's representative, Joell took Azzarello

out on his airboat allowing her to take part in the longtime tradition of frogging, or frog-gigging. Additionally, he set up a barbeque at the Airboat Association's club house where Azzarello was able to formally interview three older gentlemen who had lived in the area, air-boating almost all of their lives.

All of the members of the Airboat Association of Florida were proud to be part of the organization and expressed their concern that their air-boating heritage was in danger of being lost if the bridge was to be built. All of the members felt there was a significant amount of cultural heritage that could be found in many cultures that created ties to not only the canal but to the Everglades as a whole. From the interviews and conversations with members of the Airboat Association of Florida, there is clearly a cultural heritage that can be traced even to the original settlement of the Everglades. Activities such as air-boating, frogging, and other hunting activities have been part of cultural uses of the Everglades. Today these activities take place in an evolved form adhering to the regulations and laws that are now part of the management of the Everglades.

Recommendations of the Ethnographic Interviews

New South Associates has determined that the cultural heritage and practices documented for the Tamiami Canal do not qualify it as a TCP. Ethnographic interviews did identify a strong association between representatives of a range of cultural groups and the Everglades itself. Further ethnographic research on the history, usage and meaning of the Everglades is recommended to determine if the Everglades as a whole warrant consideration as a TCP.

Results of the Architectural Field Survey

Five historic buildings and structures were surveyed as a result of this project; each are described below.

8DA10088 - Gator Park, 24050 SW 8th Street

The architectural field survey identified one new historic property, Gator Park (8DA10088). The ten-acre property consists of a c. 1950 concrete block structure as well as another non-historic outbuilding, a campground, wildlife show area, and airboat docking facilities. The building was probably constructed as a gas station. Its large porte cochere suggests such a usage. Employees at Gator Park also remember it serving as a bar. It became an airboat concession around 1989 (Kelly 1986; Miami-Dade County Tax Assessor).

Recommendation: Although Gator Park is an active airboat concession and tourist destination along the Tamiami Trail, this is not its historic purpose. The building has also been altered from its original appearance with the addition of the shingle siding on the main façade. Because the building is lacking in integrity and does not have a long history as a tourist attraction, New South Associates recommends that this property is not eligible to the NRHP.

8DA6765 - Tamiami Trail

Janus Research surveyed the Tamiami Trail in 2001. New South Associates reevaluated the site for alterations and saw no changes since the initial survey. Janus Research recommended the Trail potentially eligible to the NRHP. The FL SHPO concurred with their recommendation.

Recommendation: New South Associates recommends that the Tamiami Trail is eligible to the NRHP under Criteria A and C. The Janus report provides an excellent overview of the construction and history of the Tamiami Trail. This road, which took thirteen years to build, was a true feat in engineering as the process and conditions were unprecedented in highway construction. Contemporary reports note that there was not a hard surface road from Miami to Fort Myers in 1915. "The project from Fort Myers to Miami was not only conquering the Everglades and Big Cypress but blazing a trail through what was before 1915 an almost unexplored section of Florida" (Tamiami Trail Commissioners 1928: 3). It provided a route across the peninsula and an opportunity for thousands of citizens to see the Everglades from their automobiles and not a canal boat. The Tamiami brought a new age for the Seminoles living in the Everglades and provided an avenue for them and their white contemporaries to venture into the tourist trade that continues to flourish in south Florida.

8DA6766 - Tamiami Canal

Janus Research surveyed the Tamiami Canal in 2001. New South Associates reevaluated the site for alterations and saw no changes since the initial survey. Janus Research recommended that the Trail potentially eligible to the NRHP. The FL SHPO concurred with their recommendation.

Recommendation: The Tamiami Canal would not exist without the Tamiami Trail. It is impossible to separate the historical and engineering significance of the two structures. New South Associates recommends that the Tamiami Canal is eligible to the NRHP under Criteria A and C.

8DA6767 - Coopertown, 22702 SW 8th Street

Janus Research surveyed Coopertown in 2001. New South Associates reevaluated the site for alterations and saw no changes since the initial survey. Janus Research recommended Coopertown as potentially eligible to the NRHP. The FL SHPO concurred that the property is eligible to the NRHP. New South Associates agrees that Coopertown should be considered eligible to the NRHP.

8DA6768 - Airboat Association of Florida, 25400 Tamiami Trail

The fourth property Janus identified was the Airboat Association of Florida (8DA6768). Janus recommended that the property is ineligible to the NRHP. The FL SHPO concurred with this recommendation. Since this recommendation was made, local citizens have voiced concerns and some believe that the property has historical value. As a result of this interest, the Army Corps of Engineers requested that New South Associates pay careful attention to the AAF property. Unfortunately, the Airboat Association of Florida Board of Directors denied the architectural historian access to the property and a full re-evaluation could not be undertaken at this time. However, a preliminary recommendation can be made based on the Janus survey with the assumption that the historic structure on the property remains relatively unchanged since 2001.

Recommendation: By reviewing the survey forms and information submitted by Janus and combining it with the fieldwork and research recently undertaken by New South Associates, we recommend that the Airboat Association of Florida property is potentially eligible to the NRHP under Criterion A.

The Airboat Association of Florida is the principal proponent for the sport of airboating in this section of the Everglades. The members of the group strive to preserve their sense of outdoorsmanship and their access to frog hunting grounds and airboating trails with zeal. Their environmental work is also notable and deserves further investigation.

The Airboat Association of Florida has been in existence for fifty-four years and has used this property as their base since at least 1952. The significance of this organization should not be overlooked. A more definitive determination of NRHP eligibility can be made when an architectural historian can study the buildings on the property in detail and confirm their age as well as complete more research into their history and accomplishments. Information on the organization should be gathered by examining the records of the Airboat Association of Florida, which are stored on their property. Documents might

include minutes of board meetings, newspaper clippings, and photographs. Without access to the site needed to complete this research, the Airboat Association of Florida is recommended potentially eligible for the NRHP and should be managed as if it were an eligible property.

Summary and Recommendations

New South completed four tasks in order to conduct a cultural resources study of the Tamiami Trail, these task were: (1) conducting archival research, literature review and interviews with knowledgeable individuals to refine the history and potential resources located in the project area, (2) developing a survey strategy to identify cultural resources in the project area, (3) documenting the historic properties (newly and previously identified) located in the project area and its vicinity, and (4) developing a survey strategy to identify cultural resources in the project area.

Previous investigations in the area by Janus Research (2001) located four historic resources within the project area. These historic resources are: Tamiami Trail (8DA6765), Tamiami Canal (8DA6766), Coopertown Airboat Rides and Restaurant (8DA6767), and Airboat Association of Florida (8A6768). During this time three properties were considered to be potentially eligible to be listed to the National Register of Historic Places (NRHP) with the exception of 8DA6768, Coopertown Airboat Rides and Restaurant.

The Phase I Archaeological Survey was conducted over six areas as having the most potential to excavate shovel tests. These areas (Area A - F) were evaluated for their potential to contain archaeological deposits. None of the six locations tested contained cultural material within the project area, however, all of the areas were documented. Additionally, New South made note of five previously recorded archaeological sites. Three sites, 8DA2225, 8DA2226, 8DA3242 and, 8DA3243 were located outside of the project area.

The Ethnographic interviews were able to document that there is cultural heritage associated with the Everglades as a whole and is not limited to the Tamiami Trail or Canal. Additionally, the ethnographic investigations have established that several culture groups make use of the Tamiami Canal in which to conduct traditional cultural practices. These culture groups include

African Americans, Cuban Americans, White (Caucasian) Sportsmen, Airboating Community, Hispanic Community, Haitian Community, Seminoles and possibly others. In order to fully document the cultural heritage of the Everglades in Dade County, Florida, a research design focused on documenting the cultural heritage of all of the groups who use this area would be appropriate to determine if there is any specific location that can be identified as a traditional cultural property, as well as to assess the Everglades as a whole as a potential TCP.

NSA's architectural historian resurveyed the historic properties within the project area in order to assess them for NRHP eligibility. The 2001 report submitted by Janus Research recommended that three properties (Coopertown Airboat Rides and Restaurant, Tamiami Trail, and Tamiami Canal) were potentially eligible to the NRHP. The FL SHPO concurred with their recommendations. These three properties were reviewed only for changes that may have occurred since 2001. Other structures along the Trail that were either not surveyed or recommended as not eligible to the NRHP by Janus Research in 2001, were reassessed for their NRHP eligibility. The table below includes a list of the properties and NSA's recommendations.

Table1. Summary of the Historic Properties Evaluated.

Site Number	Property Name	NRHP Recommendation
8DA6765	Tamiami Trail	Eligible
8DA6766	Tamiami Canal	Eligible
8DA6767	Coopertown	Eligible (SHPO Concurred)
8DA6768	Airboat Association of FL	Potentially Eligible
8DA10088	Gator Park	Not Eligible

References Cited

Janus Research

2001 *Cultural Resource Assessment Survey for the Tamiami Trail Project Area in Miami-Dade County, Florida*. Prepared for the United States Army Corps of Engineers, Jacksonville District. Prepared by Janus Research, St. Petersburg.

Kelly, Ivonne Rovira

1986 "Tamiami, the Tourism Trail." *Miami Herald*. July 13, 1986, Neighbors, p. 22.

Miami-Dade County Property Appraiser

2005 Available online at <www.miamidade.gov>.

Parker, P. L. and T. F. King

1994 *National Register Bulletin No. 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties*. United States Department of the Interior, National Park Service, Interagency Resources Division, U. S. Government Printing Office.

Tamiami Trail Commissioners and the County Commissioners of Dade County

1928 *History of the Tamiami Trail and a Brief Review of the Road Construction Movement in Florida*. On file, Miami-Dade Public Library.



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. Stuart Appelbaum
Chief, Planning Division
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

September 27, 2005

Re: DHR Project File No. 2005-8851 / Received by DHR: August 19, 2005
*Cultural Resources Survey, Tamiami Trail, Modified Waters to the Everglades National Park –
GRR/SEIS, Miami-Dade County, Florida*

Dear Mr. Appelbaum:

Our office received and reviewed the above referenced survey report in accordance with Section 106 of the *National Historic Preservation Act of 1966* (Public Law 89-665), as amended in 1992; *36 C.F.R., Part 800: Protection of Historic Properties*; and Chapter 267, *Florida Statutes*, for assessment of possible adverse impact to cultural resources (any prehistoric or historic district, site, building, structure, or object) listed, or eligible for listing, in the *National Register of Historic Places (NRHP)*, or otherwise of historical, architectural or archaeological value.

In June 2005, New South Associates (NSA) conducted an archaeological and historical cultural resource assessment survey of a portion of the Tamiami Trail to be impacted by the Modified Waters to the Everglades National Park project on behalf of the U.S. Army Corps of Engineers, Jacksonville District. Four previously recorded historic structures and one unrecorded historic structure were identified within the project area during the investigation.

The Tamiami Trail (8DA6765) had been previously recorded within the project area. Due to the unique construction and historical significance of the Trail, it is the opinion of NSA that 8DA6765 appears to be eligible for listing in the *NRHP*. For the same reasons, it is the opinion of NSA that the associated Tamiami Canal (8DA6766) also appears to be eligible for listing in the *NRHP*.

Coopertown (8DA6767), the first concession to offer airboat rides in the Everglades, had been previously recorded within the project area. Due to Coopertown's historical significance, it is the opinion of NSA that 8DA6767 appears to be eligible for listing in the *NRHP*.

The headquarters of the Airboat Association of Florida (8DA6768) had also been previously recorded within the project area. The Airboat Association of Florida has been the primary organization associated with the sport of airboating in the Everglades since 1952. Due to the historical significance of the organization with which the building is associated, it is the opinion of NSA that 8DA6768 appears to be potentially eligible for listing in the *NRHP*. Should project plans call for the alteration or demolition of this resource, architectural assessment will be necessary in order to more fully evaluate the buildings associated with 8DA6768 and finalize the eligibility of this resource.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

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☐ Central Florida Regional Office
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Mr. Appelbaum
September 27, 2005
Page 2

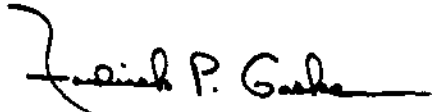
Gator Park (8DA1008) was newly recorded within the project area. This structure functioned as a gas station and bar from 1956 to 1989, when it was converted into a tourist attraction. Due to the building's lack of historic integrity and its short history as a tourist concession, it is the opinion of NSA that 8DA1008 does not appear eligible for listing in the *NRHP*.

Based on the information provided, our office concurs with these determinations and finds the submitted report complete and sufficient in accordance with Chapter 1A-46, *Florida Administrative Code*.

We request that updated Florida Master Site File Historic Structure Forms for 8DA6765, 8DA6766, 8DA6767, and 8DA6768 and their associated maps be forwarded to this office within three weeks of the receipt of this letter.

If you have any questions concerning our comments, please contact Beth Chambless, Historic Sites Specialist, by phone at (850) 245-6333, or by electronic mail at ejchambless@dos.state.fl.us. Your continued interest in protecting Florida's historic properties is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick P. Gaske", with a long horizontal flourish extending to the right.

Frederick P. Gaske, Director, and
State Historic Preservation Officer



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. James C. Duck
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

May 27, 2005

RE: DHR Project File Number: 2005-02431
Received by DHR: March 4, 2005
Project: Modified Water Deliveries to Everglades National Park
County: Miami-Dade

Dear Mr. Duck:

Our office received your letter regarding the revised plan for conveyance between the portion of the Everglades north of Highway 41 and the Everglades National Park, south of the Tamiami Trail. As you are aware, in 2001, our office concurred that the Tamiami Trail (8DA6765), the Tamiami Canal (8DA6766), and the Coopertown Airboat Rides and Restaurant (8DA6767) are potentially eligible for listing in the National Register of Historic Places. Furthermore, our office determined that this project may have an adverse effect on the Tamiami Trail and possibly the Tamiami Canal. The revised General Reevaluation Report/ Supplemental Environmental Impact Statement (GRR/SEIS), proposes three alternatives for increased conveyance including a 3000 ft-bridge, a 4-mile bridge, and a 10-mile bridge. Due to the modification of the original plan, the Army Corps of Engineers recommends a reevaluation of the historic properties as well as an evaluation of the potential for traditional cultural usage of the Tamiami Canal. Our office concurs with these recommendations.

Furthermore, our office would like to reiterate our request that the Army Corps of Engineers consult with our office and other interested parties regarding minimization or mitigation measures as stipulated in 36 CFR Part 800.6(a) in fulfillment of Section 106 of the National Historic Preservation Act of 1966 as amended. A Memorandum of Agreement regarding the historic properties that will be adversely affected should be completed among the interested parties and included in the final environmental document before a record of decision can be rendered.

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☐ Tampa Regional Office
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Mr. James C. Duck
May 27, 2005
Page 2

If you have any questions concerning our comments, please contact Sherry Anderson, Architectural Historian, Transportation Compliance Review Program, by email sanderson@dos.state.fl.us or at 850-245-6432.

Sincerely,

Barbara C. Mattick
Chief, BHP

for Frederick P. Gaske, Director, and
State Historic Preservation Officer

XC: Ms. Barbara B. Culhane, FDOT-EMO, District 6
Mr. Roy A. Jackson, FDOT-CEMO, Tallahassee

Planning Division
Environmental Branch

MAR 02 2005

Mr. Frederick Gaske, Director
State Historic Preservation Officer
Division of Historical Resources
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Mr. Gaske:

The U. S. Army Corps of Engineers, Jacksonville District, in partnership with the Everglades National Park and the South Florida Water Management District, is proposing to modify the original plan as detailed "MODIFIED WATERS DELEVERIES TO EVERGLADES NATIONAL PARK-GRR/SEIS 1992".

The original plan called for a 3,000-ft. bridge to be placed on the Highway 41/Tamiami Trail; which would have increased conveyance between the portion of the Everglades that are north of Highway 41 and the Everglades National Park, south of Tamami Trail, in Dade County Florida (Figure 1). The Revised GRR/SEIS plan proposes several alternatives, although the locations have not yet been determined:

- a. 3000-ft bridge as described in the 1992 GRR/SEIS, between Blue Shanty Canal and the Airboat Association of Florida
- b. 4-mile bridge
- c. 10-mile bridge

A Phase I Cultural Resources Survey was conducted of Tamami Trail in February 2001 by Janus Research and several historical properties were identified: 8DA6765 (Tamami Trail); 8DA6766 (Tamiami Canal); 8DA6767 (Coopertown Airboat Rides and Restaurant) and 8DA6768 (Airboat Association of Florida).

Furthermore, consultation with the Miccosukee Tribe of Indians of Florida will be necessary to determine the impact each of these alternatives will have on the Tiger Tail Camp and/or Osceola Camp-both of which are in the project area.

An additional concern addressed in a public meeting is the long-term usage of the Tamami Canal by various social groups.

Due to the modification of the original plan, this office recommends a reevaluation of the historic properties and the evaluation of the potential of traditional cultural usage of the Canal.

This work will be conducted in compliance with the Natural Historic Preservation Act of 1966, as amended (PL 89-665); the Archaeological and Historic Preservation Act, as amended (PL 93-291); Executive Order 11593; and National Register Bulletin #38, *Guidelines For Evaluating and Documenting Traditional Cultural Properties*. We seek your concurrence with this determination.

If you have any questions regarding this, please contact David Pugh at 904-232-1361 or david.w.pugh@saj02.usace.army.mil. Please respond within 30 days after receipt of this letter.

Sincerely,

James C. Duck
Chief, Planning Division

Enclosure

Copies furnished:

Mr. David J. Hertzberg, Administrative Officer, Miami-Dade County Office of Historic Preservation, 111 NW First Street, Suite 695, Miami, Florida 33128
Mr. Paul Linton, Project Manager, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680
Mr. David Sikkema, Everglades National Park, 40001 State Road 9336, Homestead, Florida 33034-6733
Mr. Steve Terry, Miccosukee Tribe of Indians, Post Office Box 44021, Tamiami Station, Miami, Florida 33024

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Pugh/CESAJ-PD-ES/1361/als 25 Feb 04
Cintron/CESAJ-PD-ES
Mason/CESAJ-PD-ER
Foster/CESAJ-PD-PF
Eller/CESAJ-DR-E 3/1/05
Pax/CESAJ-OC
Duck/CESAJ-PD

L:/GROUP/PDES/PUGH/SHPO/Tamiami Trail SHPO LTR

Planning Division
Environmental Branch

MAR 02 2005

Mr. Steve Terry
Miccosukee Tribe of Indians
Post Office Box 44021
Tamiami Station
Miami, Florida 33024

Dear Mr. Terry:

The U. S. Army Corps of Engineers, Jacksonville District, in partnership with the Everglades National Park and South Florida Water Management District, is proposing to modify the original plan as detailed "MODIFIED WATERS DELIVERIES TO EVERGLADES NATIONAL PARK-GRR/SEIS 1992".

The original plan called for a 3,000-ft. bridge to be placed on the Highway 41/Tamiami Trail, which would have increased conveyance between the portion of the Everglades that are north of Highway 41 and the Everglades National Park, south of Tamami Trail, in Dade County Florida (Figure 1). The Revised GRR/SEIS plan proposes several alternatives, although the locations have not yet been determined:

- a. 3000-ft bridge as described in the 1992 GRR/SEIS, between Blue Shanty Canal and the Airboat Association of Florida
- b. 4-mile bridge
- c. 10-mile bridge.

A Phase I Cultural Resources Survey was conducted of Tamami Trail in February 2001 by Janus Research and several historical properties were identified: 8DA6765 (Tamami Trail); 8DA6766 (Tamiami Canal); 8DA6767 (Coopertown Airboat Rides and Restaurant) and 8DA6768 (Airboat Association of Florida).

Furthermore, consultation with the concerned Tribe is necessary to determine the impact each of these alternatives will have on the Tiger Tail Camp and/or Osceola Camp-both of which are in the project area.

An additional concern addressed in a public meeting is the long-term usage of the Tamami Canal by various social groups

Due to the modification of the original plan, this office recommends a reevaluation of the historic properties within the project area by a professional CRM firm and an evaluation of the potential of traditional cultural usage of the Canal.

As part of this effort and in recognition of potential tribal concerns, we would like to solicit input from you regarding any questions or issues you may have concerning this project. Although this project does not cross any property defined as reservation lands, we take seriously our obligation to protect tribal lands, sacred sites, and traditional cultural properties and consider your concerns in the planning process. Therefore, we would like to coordinate with and include you as part of the planning process. We would welcome your participation and will be happy to provide you with additional information. We would appreciate hearing from you regarding any concerns you may have about this proposed project, and we look forward to working with you.

If you have any questions regarding this, please contact David Pugh at 904 232-1361 or david.w.pugh@saj02.usace.army.mil.

Sincerely,

James C. Duck
Chief, Planning Division

Enclosure

Copies furnished:

Mr. Frederick Gaske, Director and State Historic Preservation Officer, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Mr. Paul Linton, Project Manager, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680

Mr. David Sikkema, Everglades National Park, 40001 State Road 9336, Homestead, Florida 33034-6733

DUP 25 FEB 05
Pugh/CESAJ-PD-ES/1361/*als 25 Feb 05*
Be Linton/CESAJ-PD-ES
LM Mason/CESAJ-PD-E
PF Foster/CESAJ-PD-PF
DE Eller/CESAJ-DR-E *3/1/05*
Q Pax/CESAJ-OC
BJ Duck/CESAJ-PD

L:/GROUP/PDES/PUGH/SHPO/Tamiami Trail Terry_Micc SHPO LTR

1 of 11

To: Jon MOUNTING
US Army Corp of Engineers PD-ES
P.O. Box 4970
JACKSONVILLE, FL 32232
Ph 904 232 2386 fax 1904 232 1888

From: FRANK F. DENNINGER
461 E 40 ST.
HIALEAH, FL 33013
ph/fax 305 836 9281

DATE:

RE: Comments pertaining to the Dec 2003
GRB/SEIS for TAMPAI TRAIL
MODIFIED WATERS DELIVERIES to
Everglades Nat'l Park

INDEX of Comment Topics

- I Public Safety (Roadway Reliability) Post-Construct
- II Real Estate Agent/Process should be opened to Public
- III Connection of US M1 jurisdiction error
- IV. Science Hwy. status of US M1 under scrutiny
- None
- V Significance of Historical Sites conducted in an arbitrary manner.

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I. Public Safety (Roadway Reliability) Post-Construction regarding Alternative (TA)

option (TA)

Upon study of this GRR/SEIS especially pgs. 57 thru 70 one quickly learns that US 41 and it's use by travelers as a reliable road very well could be jeopardized by this project. This is because all who are involved know that future water levels projected to be raised as much as 2 (two) feet due to CERP, will rapidly, frequently and most certainly destroy the highway IF its roadbed is not raised to counteract the deleterious effects of routinely higher water levels.

Apparently two forces are working simultaneously to stop the roadbed from being raised, neither of which is acceptable. As always funding is first on this list. As a citizen of the U.S.A. and So. Florida I do not accept the fact that funding of a Federally forced project or lack thereof should be allowed to jeopardize human safety. If all of America agrees it is necessary let all Americans pay for A Safe project given by the Treasury's

30811

printing presses have to print the money that Congress wasn't aware would be required when they voted for the ENR Expansion Act of 1999. To temper the previous sentence it would be sensible for the State to fund some of the funding short-fall since US 41 is not a brand new roadway.

The Second force at work is the potential for future CERP features to partially or fully remove this roadway to install more bridges on the pre id the sky "Skymaps Bridge" and the Federal Govts. intention of not expending more funds than they feel is necessary. Neither of those reasons is valid when all concerned fully understand that raising the roadbed is necessary to "prevent catastrophic failure of the existing roadway sub-base..." as quoted from an FDOT, letter dated 2-4-2002 sent to the Army Corps located in Appendix "N" of the GRR/SEIS. There is no set schedule for CERP projects that can only proceed after this project is completed and funding may become difficult as we are in an open ended war.

4 of 11

It would be criminal to subject all travelers to the potential of automobile sized pot-holes and roadside cave-ins as they travel US 41 on some rainy night or whenever.

III

This GRR/SEIS also has subtle references to some "Real Estate Agreement" to be negotiated so as to fund known "increased maintenance" that will be necessitated if the roadbed isn't raised. Those of us who are concerned should be invited and allowed to attend these negotiations at least to observe the proceedings. We are the public and our lives are in increased jeopardy if the roadbed isn't raised, as all know it should be. Remember no matter how well funded this "Real Estate Agreement Maintenance Slush Fund" is; it will not help the poor soul who drives into a large "car size" cave-in at 2:00 AM some rainy morning.

Additionally even increased maintenance forseen if road isn't raised will cause more safety degradation along with massively increased drive

5 of 11

times causing more negative economic impacts upon tourism and cost of transport of goods.

In closing this Section II of my comments I will add that it was not a pleasant task to read the many letters included that recommend Fla. Dept. of Transp'n. not raise this highway. The letters written by entities such as the Natl. Park Service, US Fish & Wildlife Service, Fla. Fish & Wildlife Conserv'n. Comm., Sierra Club, Audubon of Fla., World Wildlife Fund, Fla. Biodiversity Project and individuals like Gail Bagley from Orlando, Fla. and thoroughly expose their myopic, mindless and witless obsessive preoccupation with improving a large swamp at the expense of human life. Their letters memorialize their deplorable philosophy that it's acceptable to risk human life to further their purposes.

Commendations are in order though for Fla. Dept. of Transp'n. and the S.W. Fla. Regional Planning Council and anyone else who supports raising the road for everyone to travel upon.

6 of 11

III Correction of US 41 jurisdiction error.

On page 64 at bullet point 2nd from top US 41 is referred to as a "FEDERAL Highway". This is incorrect. According to the American Association of State Highway and Transportation Officials (AASHTO) Transportation Policy Book, January 1988 edition the following quote is applicable. "Often the U.S. marker is interpreted by the public as identifying a 'federal highway' whereas the routes making up the U.S. numbered system are under State jurisdiction and not under Federal jurisdiction." US 41 is actually St. Rt. 90, US 41 is its designated number as a part of the U.S. number system. See page 10 of 11 and 11 of 11 for verification of my conclusion.

IV Scenic Highway/Byway status of US 41 under scrutiny NOW.

Recently the two Scenic Highway designations alluded to on pg 12 of the FWCA2 contained in the GRR/SEIS are in question. In large part this is due to a foundational prerequisite of both designations never being

7 of 11

Satisfied. That pre-requisite is the instituting of A Corridor Mgt. Entity. I know this hasn't been accomplished since I've been involved with the process almost since its inception. Not only isn't the Entity in place, the Corridor Mgt. Entity Agreement/Contract hasn't been completed or signed by anyone.

I request that reference to USH1 as a Scenic Highway or Byway be removed from the FWCA until the validity of the designations is determined.

V Significance of Historical Sites study conducted in an arbitrary manner.

Whatever criteria was used to deny the Airboat Assoc. of Fla. the potential of being listed as a historic site I believe is flawed.

The Airboat Association of Fla. is to the history of outdoorspersons in adjacent swamps the same as Coopers town's relationship to tourists and tourism in adjacent swamps. The Airboat Assoc. of Fla. (AAF) is the ONLY structure visible

8 of 11

to memorialize the history of outdoors-
persons who have traditionally been who
frequented the swamps in the vicinity of
this project. It is unacceptable that some
bureaucratic criteria is allowed to deny
even the potential of being listed for
a reason as stated on pg 47 of this GRR/
SEIS as per this quote: "Although the
AAF building remains in good condition, its
common design and building materials limit
its significance. Based on a lack of
significance this resource (8 DA 6T68)
is considered ineligible for listing in the
NRHP." (Nat. Registry of Historical Places)

It is an unconscionable act in my
opinion that this decision can be
allowed to arbitrarily disregard these
outdoorspersons culture in such a manner.
This will be perceived by many as
another step in the process of "cultural
cleansing" by Federal and State entities;
many examples of which have already
been witnessed within the region.

Another ethnographic group omitted
from mention is African-American bank
fisherpersons who utilize US 41. This

9 of 11

group has utilized the vicinity for 3 generations and I'm sure have strong ties to their history within the project. These are the less affluent to whom this area to them is as important as a night at the opera or a day on a golf course is to a more affluent person.

It would have been refreshing to see such a thorough document as this mention their ethnographic importance.

Back to the Airboat Association.

In response to the quoted reason for denial of eligibility listing, I contend that the simplicity of their building design and materials are EXACTLY the reason it should be eligible. The building and grounds are not at all ostentatious which perfectly reflects the the philosophy and personality of the AAF and its members throughout their history in the swamp.

As I close it is in order to thank the US Army Corp. for following NEPA and providing we citizens this opportunity to comment.

Frank F. Denninger

2 2

3-31-01 5:21 PM:AAASHTO

APR-2-04 WED 12:55 PM 63
2026083035

10 of 11

Transportation Policy Book

January, 2000



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04/02/04 00:04 FAX

11 of 11

HIGHWAY OPERATIONS

Establishment and Development of United States Numbered Highways (Retained from October 13, 1991, Revised October 6, 1996)

HO1

The purpose of the U.S. road numbering and marking system is to facilitate travel on the main interstate lines, over the shortest routes and the best roads. To serve that purpose a system of main interstate routes was designated, and a uniform system of guide and warning signs was adopted for use in all the States, on such designated routes. This system was established in 1926. It has passed the preliminary development state. It has reached the period of review, revision, and consolidation. The U.S. road system now needs perfecting rather than expansion.

New construction has opened up newer, better, and shorter routes. Demands of interstate traffic have increased and are more exacting. Public acceptance of the U.S. numbered system has made possible the rectification of early concessions made for the purpose of getting the system established and marked.

In harmony with the improved condition of State roads, the State route markers of the several States have more and more become a dependable trademark of quality in those routes.

The establishment of a U.S. number as a guide for interstate travel over certain roads has no connection with federal control or the designation of Federal funds for road construction. These numbers may recognize a State road which has been constructed entirely by the use of State funds.

Often the U.S. marker is interpreted by the public as identifying a "federal highway" whereas the routes making up the U.S. numbered system are under State jurisdiction and not under Federal jurisdiction.

It was never intended that the U.S. numbered system should absorb or supplant the State numbered routes. It is intended by uniform marking of a U.S. route in two or more States to facilitate the movement of Interstate traffic. Thus, with a relatively limited mileage, the U.S. numbered road system must meet the changing conditions if it is to endure and serve the purpose for which it was intended.

The routes comprising the National System of Interstate and Defense Highways will be marked with its own distinctive route marker shield and will have a numbering system that is separate and apart from the U.S. numbered system. The Interstate system marking and numbering is not to replace that of the U.S. system but is, in reality, a separate system



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

April 2, 2004

Mr. James C. Duck, Chief
Planning Division, Jacksonville District
U. S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Re: Department of the Army, Jacksonville District Corps of Engineers and South Florida
Water Management District – Central and Southern Florida Project – General
Reevaluation Report/Supplemental Environmental Impact Statement (GRR/SEIS) for the
Tamiami Trail Modified Water Deliveries to Everglades National Park – Miami-Dade
County, Florida.

SAI: FL200402105361C

Dear Mr. Duck:

The enclosed comments provided by the Florida Department of State were processed after our prior correspondence of March 30, 2004 was mailed. Please be advised that these comments do not change our finding that, at this stage, the above-referenced project has been determined to be consistent with the Florida Coastal Management Program.

If you have any questions or need further assistance, please contact me at 850/245-2163.

Sincerely,

Robert W. Hall
Environmental Specialist
Office of Intergovernmental Programs

RWH/rwh
Enclosures
cc: Frederick Gaske, DOS

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FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF HISTORICAL RESOURCES

PH

Ms. Lauren Milligan
Director, Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, Florida 32399-3000

March 25, 2004

RE: DHR No.: 2004-1483 / Date Received by DHR: February 13, 2004
SAI #: FL200402105361C
Jacksonville District - US Corps of Engineers
Central and Southern Florida Project - General Reevaluation Report/Supplemental
Environmental Impact Statement (GRR/SEIS) for the Tamiami Trail - Modified Water
Deliveries to Everglades National Park
Miami-Dade County

Dear Ms. Milligan:

Our office received and reviewed the above referenced document in accordance with Section 106 of the *National Historic Preservation Act* of 1966, as amended (NHPA), and 36 *C.F.R.*, Part 800: *Protection of Historic Properties*, and the *National Environmental Policy Act* of 1969, as amended (NEPA). The State Historic Preservation Officer is to advise and assist federal agencies when identifying historic properties (archaeological, architectural, and historical resources) listed, or eligible for listing, in the *National Register of Historic Places*, assessing the project's effects, and considering alternatives to avoid or minimize adverse effects.

We reviewed our records and files regarding the referenced GRR/SEIS. This office notes that three historic properties were identified within the area of potential effect for the proposed modifications described in the GRR/SEIS. The three resources, Coopertown Airboat Rides and Restaurant (8DA6767), Tamiami Trail (8DA6565) and Tamiami Canal (8DA6766) were determined to be potentially eligible for inclusion in NRHP.

It is the opinion of this office that Alternative 7a will have an adverse effect on the Tamiami Trail site, and may possibly have an adverse effect on the Tamiami Canal site. To date, there has been no consultation between this office (the State Historic Preservation Office) and the Army Corps of Engineers regarding minimization or mitigation measures as stipulated in 36 CFR Part

RECEIVED

MAR 29 2004

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Ms. Lauren Milligan
March 25, 2004
Page 2

800.6(a) in fulfillment of the NHPA. Section 106 and NEPA compliance may be accomplished under a combined process, but it the understanding of this office that a Memorandum of Agreement regarding the historic properties that will be adversely affected, should be completed among the interested parties and included in the final environmental document before a record of decision can be rendered.

Therefore, conditioned upon the US Army Corps of Engineers completing the Section 106 consultation process with this office and other interested parties, for example, the Florida Department of Transportation, to identify measures to minimize and/or mitigate adverse effects to the historic resources affected by Alternative 7a, the proposed project will be consistent with the historic preservation aspects of Florida's coastal zone program.

If you have any questions concerning our comments, please contact Janice Maddox, Historic Sites Specialist, by electronic mail at jmaddox@dos.state.fl.us, or by telephone at 850/245-6333. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Laura R. Kammerer, Supervisor

for Frederick Gaske, Acting Director, and
Deputy State Historic Preservation Officer

Xc: James C. Duck, ACOE
Barbara B. Culhane, FDOT-EMO, District 6
Roy A. Jackson, FDOT-CEMO, Tallahassee

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Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE

Jim Smith

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Mr. James C. Duck
Jacksonville District US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

August 7, 2002

Re: DHR No. 2002-07722 / Received by DHR: July 29, 2002
Cultural Resource Assessment Survey for the Tamiami Trail Project Area in Miami-Dade County, Florida (Janus Research 2001) - Final Report

Dear Mr. Duck:

Our office has received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966* (Public Law 89-665), as amended in 1992, and 36 C.F.R., Part 800: *Protection of Historic Properties*. The State Historic Preservation Officer is to advise and assist federal agencies when identifying historic properties listed or eligible for listing in the *National Register of Historic Places*, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

We have received the final report for this survey. Since no substantial changes have been made to the preliminary final report (DHR #2001-08067), this office has no additional comments regarding the referenced project. We look forward to consultation with your office concerning potential ways to mitigate adverse effects to the Tamiami Trail (8DA6765) and the Tamiami Canal (8DA6766).

If you have any questions concerning our comments, please contact Mary Beth Fitts, Historic Sites Specialist, at mbfitts@mail.dos.state.fl.us or (850) 245-6333. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Janet Snyder Matthews, Ph.D., Director, and
State Historic Preservation Officer

Xc: Kathleen Hoffman, Janus Research

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DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

MAR 29 2002

Restoration Program Division
South Florida Restoration Branch

Ms. Maureen Finnerty
Superintendent
United States Department of Interior
National Park Service
Everglades National Park and Dry Tortugas National Park
40001 State Road 9336
Homestead, Florida 33034-6733

Dear Ms. Finnerty:

Reference your letter dated February 15, 2002, in which you authorized expending Modified Water Deliveries to Everglades National Park (MWD) project funds for modifications to the Osceola Camp to mitigate for projected increases in water levels associated with MWD project implementation.

While the relocation of the Tigertail Camp was included in the U.S. Army Corps of Engineers (Corps) MWD project, as authorized under Section 104 of Public Law 101-229 and described in the Real Estate Design Memorandum (REDM) and the General Design Memorandum (GDM) for the Modified Water Deliveries to Everglades National Park Project, the relocation of the Osceola Camp, which is located on land to be acquired by the Department of the Interior (DOI), is outside the scope of the authorized project and was determined to be the responsibility of DOI, National Park Service. We have researched the GDM and REDM and determined that all parties agreed that any work undertaken by Corps of Engineers involving the Osceolas would be at the request of and funded by DOI, National Park Service. To comply with such a request would require the execution of an Interagency Agreement between DOI and Corps covering specific issues and funding and must also include a provision for signature of the Osceola Camp representatives.

Given the current workload at the Jacksonville District in meeting the U.S. Fish and Wildlife Services' December 2003 deadline to have MWD project operational, the Corps' Project Review Board has determined that we must respectfully decline your request to take on the efforts associated with the Osceola Camp at this time.

The relocation or elevation of the Osceola Camp must be completed prior to our implementation and operation of the MWD Project.

If you have any further questions, please contact Mr. Richard Bonner at (904) 232-2586.

Sincerely,

JAMES G. MAY
Colonel, U.S. Army
District Engineer

James G. May
Colonel, U.S. Army
District Engineer

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Katherine Harris

Secretary of State

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Department of Veterans' Affairs

Mr. James C. Duck
Jacksonville District US Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

September 27, 2001

Re: DHR No. 2001-08067 / Received by DHR: August 15, 2001
Cultural Resource Assessment Survey for the Tamiami Trail Project Area in Miami-Dade County, Florida (Preliminary Final Report)

Dear Mr. Duck:

Our office has received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966* (Public Law 89-665), as amended in 1992, and 36 *C.F.R., Part 800: Protection of Historic Properties*. The State Historic Preservation Officer is to advise and assist federal agencies when identifying historic properties listed or eligible for listing in the *National Register of Historic Places*, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

Results of the survey indicate that four previously unrecorded cultural resources were identified (8DA6765 – 8DA6768). Due to its common design, the Airboat Association of Florida building (8DA6768) is considered ineligible for listing in the *National Register of Historic Places*. It is the opinion of Janus Research that the remaining historic properties, which include the Tamiami Trail (8DA6765), the Tamiami Canal (8DA6766), and the Coopertown Airboat Rides and Restaurant (8DA6767), are potentially eligible for listing in the *National Register*.

Based on the information provided, this agency concurs with these determinations and finds the submitted report complete and sufficient. According to information provided in the document entitled *Abstract, Central and Southern Florida Study, Revised Preliminary Draft (95%), General Reevaluation Report/Supplemental Environmental Impact Statement (GRR/SEIS) for the Tamiami Trail, Modified Water Deliveries to Everglades National Park, Florida*, it is the opinion of this office that Alternative 7a will have an adverse effect to the Tamiami Trail (8DA6765), and possibly have an adverse effect to the Tamiami Canal (8DA6766). We look forward to consultation with your office regarding potential ways to mitigate adverse effects to these sites.

If you have any questions concerning our comments, please contact Mary Beth Fitts, Historic Sites Specialist, at mbfitts@mail.dos.state.fl.us or (850) 245-6333. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Janet Snyder Matthews, Ph.D., Director, and
State Historic Preservation Officer

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U.S. State Department, Department of the Interior
U.S. National Park Service, National Historic Preservation Act, 54 USC 306106

U.S. Army Corps of Engineers, Department of Defense
U.S. Army Corps of Engineers, National Historic Preservation Act, 54 USC 306106

U.S. Army Corps of Engineers, Department of Defense
U.S. Army Corps of Engineers, National Historic Preservation Act, 54 USC 306106

AUG 14 2001

Planning Division
Environmental Branch

Dr. Janet S. Matthews
State Historic Preservation Officer
Division of Historical Resources
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Dr. Matthews:

I am writing in reference to our proposed project to modify the Tamiami Trail in Miami-Dade County, Florida. This project is one of the features of our project Modified Water Deliveries to Everglades National Park. The project will enhance conveyance between Water Conservation Area 3B and Northeast Shark River Slough. We are preparing a General Reevaluation Report/Supplemental Environmental Impact Statement (GRR/SEIS) for this project. A copy of the GRR/EIS abstract is enclosed providing a description of the recommended plan, alternative 7a.

A cultural resources assessment has been completed to assess effects to historic properties with the project's area of potential effect. A draft report titled Cultural Resources Assessment Survey for the Tamiami Trail Project Area in Miami-Dade County, Florida by Janus Research is enclosed for your review and comment. The project area is located along the Tamiami Trail between the S-333 and S-334 water control structures. A comprehensive description of the project location and environmental setting is included in the draft cultural resources assessment report.

Four historic properties were identified during the survey. We have determined that three of the properties, the Coopertown Airboat Rides and Restaurant (8DA6767), the Tamiami Trail (8DA6765), and the Tamiami Canal (8DA6766) are eligible for inclusion on the National Register of Historic Places. We seek your concurrence with this determination.

In compliance with the National Historic Preservation Act of 1966, as amended and 36 CFR Part 800, we have determined that the recommended plan will create an adverse effect to the Tamiami Trail (8DA6765). The other two historic properties will not be affected by the recommended plan. We seek your

concurrence with this determination. The draft cultural resources assessment report contains a number of suggested mitigation measures to mitigate the adverse effect of this project. We would like to enter into consultation with your office to consider if these or other mitigation measures appropriately offset effects to this significant historic property. The mitigation measures that are developed in consultation with your office will be documented in a Memorandum of Agreement. Your responses and input will be incorporated into the GRR/EIS.

If you have questions or require additional information, please contact Mr. David L. McCullough at 904-232-3685. Please respond within 30 days after receipt of this letter.

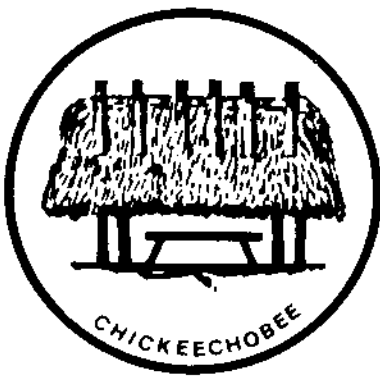
Sincerely,

James C. Duck
Chief, Planning Division

Enclosures

DMC
DMC
KAS
DM
McCullough/CESAJ-PD-EP/3885/slws *8/10/01*
Acosta/CESAJ-PD-EP
Dugger/CESAJ-PD-E
Marlin/CESAJ-DR-S *8/14/01*
Duck/CESAJ-PD

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Miccosukee Tribe of Indians of Florida

Business Council Members

Billy Cypress, Chairman

Jasper Nelson, Ass't. Chairman
Max Billie, Treasurer

Andrew Bert Sr., Secretary
Jerry Cypress, Lawmaker

August 7, 2001

Mr. James C. Duck
Chief, Planning Division
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Mr. Duck:

The Miccosukee Tribe received your letter concerning the proposed improvements to Tamiami Trail in Dade County. The Tribal Chairman referred your letter to me as I am the Tribal Representative for Native American Graves Protection and Repatriation and Section 106 consultation. Mr. Fred Dayhoff is a Tribal Consultant on these matters. Please direct all future correspondence to me on Section 106 matters.

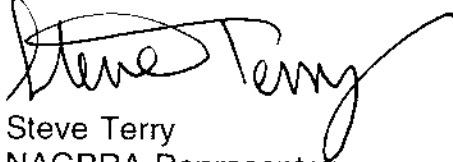
After consultation with Mr. Dayhoff, our comments are as follows. There are two cultural resource sites located in the project vicinity. These are the Tigertail Camp and Osceola Camp. This project may have direct impacts on these camps due to the higher water levels being discussed in addition to the access for these camps. Both of these camps also have cultural resources related to the camps just north of the L-29 levee. This may be outside of the project area as defined in your letter. The impacts to the Osceola Camp must be mitigated in some fashion. This camp is inhabited by Independent Miccosukee and Seminole Indians. They have no affiliation with the Miccosukee Tribe, even though they are eligible for membership with the Tribe. The Corps of Engineers must deal directly with the inhabitants of this camp. The Tigertail Camp are members of the Miccosukee Tribe. The issue at this camp is one of access. The proposed improvements must give access to both of these camps. These are the only known cultural resources to the Miccosukee Tribe within the boundaries of the project area.

These comments are only for Section 106 consultation purposes. The Tribe will have other comments concerning the ecological and restoration aspects of the project.

Mr. Duck Letter
August 7, 2001
Page 2

Thank you for requesting our comments. Please contact me at (305) 223-8380, Ext. 2243, if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Terry". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Steve Terry
NAGPRA Representative

MAY 31 2001

Planning Division
Environmental Branch

Mr. Billy Cypress
Chairperson
Miccosukee Tribe of Indians of Florida
Miccosukee Business Committee
P.O. Box 440021
Tamiami Station
Miami, Florida 33144

Dear Mr. Cypress:

We are writing to share some information regarding a proposed project in South Florida and to ask you to participate in the planning process. The U.S. Army Corps of Engineers is currently collecting baseline data to be used in the evaluation of several alternatives associated with proposed improvements to a portion of the Tamiami Trail in Dade County. As shown on the enclosed map, the project begins at Levee No. 30 (located to the west of Krome Avenue) and extends west along Tamiami Trail for a distance of 10.7 miles. The maximum area of direct impact from these proposed improvements would be 100 feet from either side of the existing roadway.

As required by Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Public Law 89-655, as amended), as implemented by 36 CFR 800 (Protection of the Historic Properties), a cultural resource assessment survey is being conducted by a team of professional architectural historians and archaeologists. The objective of this survey is to identify significant historic resources and archaeological sites.

As part of this effort and in recognition of potential tribal concerns, we would like to solicit input from you regarding any questions or issues you may have concerning this project. Although this project does not cross any property defined as reservation lands, we take seriously our obligation to protect tribal lands, sacred sites, and traditional cultural properties, and consider your concerns in the planning process.

Therefore, we would like to coordinate with and include you as part of the planning process. We would welcome your participation and will be happy to provide you with additional information. We would appreciate hearing from you within 30 days regarding any concerns you may have about this proposed project, and we look forward to working with you.

Sincerely,

James C. Duck
Chief, Planning Division

Enclosure

Copy Furnished:

Dr. Janet S. Matthews, State Historic Preservation Officer,
Division of Historical Resources, 500 South Bronough Street,
Tallahassee, Florida 32399-0250

bcc: CESAJ-DP-R

JMC McCullough/CESAJ-PD-EP/3685/slw
BP Cintron/CESAJ-PD-ES
HA Smith/CESAJ-PD-E
ST Trulock/CESAJ-PD-PF
MD Marlin/CESAJ-DP-R
DMK DMK/CESAJ-PD

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